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# Headlines Highlights for RA's Tablet - FRIDAY, January 24, 2014

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## Charleston Gazette

Testing shows chemical decline, but questions persist

By Ken Ward Jr.

CHARLESTON, W.Va. -- Each day, federal and state officials and West Virginia American Water are telling West Virginians that water testing shows levels of the toxic chemical Crude MCHM are dropping -- in many cases to levels they aren't able to detect.

On Wednesday, for example, West Virginia American issued a news release that touted "results showing non-detectable or extremely low levels" of the chemical "in water samples gathered systematically through the" distribution system.

"Data points collected by our interagency team over the past few days indicate decreasing levels of MCHM," stated water company President Jeff McIntyre. "The majority of samples are reading non-detectable. In areas where sample results show levels above the non-detectable limit, they are still extremely low and only a fraction of the CDC-established 1 ppm health-protective limit."

However, outside experts have a variety of questions about the testing being done in the water system that serves 300,000 West Virginians in Kanawha and surrounding counties.

For one thing, West Virginia officials for many days did not list with the test results any information about what concentration of the chemical the state's process was able to detect. Officials were posting results that listed "non-detect," but without knowing how low the state's test could go, that designation meant nothing, the outside experts said.

On Saturday, Gov. Earl Ray Tomblin issued a statement that identified the state's detection limit: 10 parts per billion.

That means that state testing, coordinated by the National Guard, could detect down to levels that were one one-hundredth of the 1-part-per-million public-health screening level devised by the U.S. Centers for Disease Control and Prevention, experts say.

While the CDC has said levels below 1 part per million are "not likely to be associated with any adverse health effects," the agency also said on its website that, "there should be no MCHM in drinking water." Also, an advisory that warned pregnant women to drink only bottled water remains in effect in the nine-county area affected by the leak.

Officials from the Louisville Water Company, though, have said they used a method that allowed them to detect lower levels -- down to about 1 part per billion -- as the MCHM plume passed through their city in the Ohio River.

Glenys Webster, a Simon Fraser University epidemiologist, said differing detection limits are important in understanding how much MCHM is really in the water and what the potential health impacts could be.

"Ideally, the water would be tested using the method with the lowest detection limits," Webster said. "Saying that levels are below the detection limit means that they are un-measurable using a specific method. It does not mean the concentration is zero or that the level is low enough to be 'safe.' Using another method with a lower detection limit might find measurable levels in the same sample.

"If the only goal is to determine if the chemical levels are greater or less than 1 part per million, the West Virginia method can do that," Webster said. "But, if people want to know how much chemical is actually in their water, the Louisville method would be the better choice."

Federal and state officials have not explained why they are using the testing method they are using or how it's different from Louisville Water's method.

Pressed about the matter earlier this week, Tomblin said, "I'm not a scientist," adding that whether the detection limit is 10 parts per billion or 1 part per billion, the concentration involved "is still miniscule."

Dr. Vikas Kapil, chief medical officer for the CDC's National Center for Environmental Health,

said he wasn't familiar with the different sampling methods being used and added a remark similar to Tomblin's.

"There are always these differences between methods," Kapil said. "When you get down to numbers that low, to some extent, I really don't think it's an issue."

The Morgantown-based consulting firm Downstream Strategies has been following the chemical leak closely, and is one of several companies that will perform home water testing, for a fee, to residents concerned about the leak.

Downstream Strategies is doing sampling that goes down to the same 10 parts per billion as the state, and similar to what other firms have reported for private home testing done in the wake of the leak.

Marc Glass of Downstream Strategies said his firm is working with laboratories that use gas-chromatograph and mass-spectrometer technologies to concentrate samples prior to analysis. Glass said he understands that Louisville Water is using a different method, called direct purge and trap.

Both methods use U.S. Environmental Protection Agency-approved protocols, Glass said, but chemists performing such analysis "have differing opinions" about which procedures are more accurate for MCHM.

Ben Gilmer, a project manager with Downstream Strategies, said the limited information about state sampling that's been released has made it hard to analyze the results and draw many firm conclusions.

For example, Gilmer said, complete information about the locations of sampling and timing of sampling related to "flushing" the system have not been made available. And, many samples appear to have been taken only at publicly available locations, such as fire hydrants, which might not necessarily represent the same water quality as that coming from a kitchen sink. It's also not clear if tests are being done only for Crude MCHM or also for any of that chemical's ingredients.

"We are really trusting the water company and the National Guard at this point," Gilmer said. "Until we receive more detailed descriptions of their sampling approach, and until we are able to map all existing test results to specific locations, and compare those tests with the region's water infrastructure and water-use advisory zones, it will remain difficult for outside experts to judge how well chemicals are being pushed out of the system."

Sen. Jay Rockefeller, D-W.Va., has asked West Virginia American Water to provide more detail about its test results.

"Many West Virginians are asking for maximum transparency throughout this process and would like to have details about sampling, testing and chemical levels in a timely manner," Rockefeller wrote in a letter to the company. "Please publicly post to your company's website, in real time, the sampling times, coordinates where samples are being taken, test results in [parts per billion],

and the substance for which you are testing."

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# Charleston Daily Mail

## Editorial: Freedom Industries is not the victim here

TO President Gary Southern and other top executives of Freedom Industries, they are the victims in the big water crisis.

Never mind that Freedom's aged and poorly maintained tank farm leaked 6,251 gallons of Crude MCHM, a little-known chemical with potential toxicity into the Elk River and into the area's water supply.

Never mind that the leak prevented 300,000 people from using their water for drinking, washing and cooking and forced the closure of hundreds of restaurants, costing shop owners and employees considerable income.

At a hearing Tuesday before U.S. Bankruptcy Judge Ronald Pearson, Southern told the judge that the company is in a "death spiral" because suppliers won't sell to it and its customers won't buy from it.

Freedom's attorney, Mark Freedlander told the judge that "A single incident created the issues the debtor (Freedom) now faces."

But the "woe is me" tone has been with Freedom Industries from the beginning.

The day after the leak - some 30 hours after a responsible chemical operator would have addressed the local media - Freedom held its first and only news conference. Southern repeatedly tried to cut it short, claiming, "It's been a long day." He seemed oblivious to the fact that his company's inept operations created a long day - in fact a long couple of weeks - for hundreds of thousands of people.

On Tuesday, in revealing to the Department of Environmental Protection that a previously unnamed chemical was also in that leaky tank, Southern reportedly told the DEP's Director of Emergency Response Mike Dorsey, "I'm going to have a terrible day today."

The people affected by contaminated water caused by Freedom's leak don't really care how long and difficult this makes the CEO's day.

And Freedom Industries' claims to the contrary - the leaking tank was not a single incident that victimized this poor small business.

Sure, accidents sometimes happen to the best companies. But this incident wasn't the case of "Act of God" damage to a well-maintained and operated chemical storage facility.

Anyone who has ever driven by the tank farm on Barlow Drive can see how poorly maintained the facility is. It wouldn't take much more than a casual glance to realize the structural integrity of the containment wall, designed to hold the contents of the biggest tank at the complex, was deficient. Neither did the company implement a response and clean-up plan that even closely resembled the industry standard.

Responsible companies operate in a responsible manner. And the most responsible thing they can do is to take steps to prevent a crisis that threatens the safety of their employees and the community.

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# Associated Press

## No Trace Of Other Chemical In Water

### **West Virginia officials say samples show no signs from Jan. 9 spill**

CHARLESTON (AP) - Initial tests show no traces of a second chemical that spilled into the water supply for some 300,000 West Virginians.

State officials say there should be no health concerns. They took 30 samples at the Charleston water treatment plant and reviewed past tests for signs of the substance.

Freedom Industries revealed Tuesday that a chemical called "PPH stripped" was mixed with the 7,500 gallons of coal-cleaning agent that seeped into the Elk River on Jan. 9. The spill caused a days-long water-use ban for 300,000 people.

Freedom originally said only the coal-cleaning agent, crude MCHM, was spilled.

The state will test for the substance at better detection limits. Like the first chemical, little is known about the chemical's toxicity. Federal officials believe it's less harmful than crude MCHM.

Meanwhile, the Public Service Commission's Consumer Advocate Division wants the agency to continue requiring West Virginia American Water to submit quarterly reports on the quality of its service.

A 2011 order issued by the PSC requires the company to submit the reports about its operations, with the final one covering the fourth quarter of 2013. The reports include information about water line breaks, staffing levels, average response times to repair leaks and other service-related

metrics.

The Consumer Advocate Division filed a motion with the PSC on Wednesday asking it to continue requiring the quarterly reports until further notice. The motion cites the chemical spill less than 2 miles upstream from the water company's Charleston treatment plant.

Jackie Roberts, the Consumer Advocate Division's director, said her concern is not the spill itself but the water company's response.

"In light of the situation we're dealing with here at their plant, we thought that they should continue to file those reports," Roberts said.

West Virginia American Water spokeswoman Laura Jordan said Thursday the emergency response efforts have no bearing on the required quarterly reports.

"None of the metrics relates to any aspect of the Freedom Industries spill or the steps taken by the company as a result of the spill, and the CAD cites no other basis to prolong this docket," Jordan said. "The company will file a response to the Commission shortly confirming the company's achievement of meeting or exceeding operational targets in 2013."

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# Norfolk Virginian-Pilot

## Some cities seek delay, tweaks in runoff regulations

By [Aaron Applegate](#)  
The Virginian-Pilot  
© January 24, 2014

### VIRGINIA BEACH

Municipal types call it stormwater. Environmentalists call it polluted runoff.

Whatever name you use, rain that gushes off roads, buildings and parking lots - picking up a nasty slurry of trash, dirt, oil, bacteria and pesticides - is a leading cause of pollution in rivers and the Chesapeake Bay.

Virginia is tightening runoff regulations and handing over administration and enforcement to localities. The new rules are scheduled to take effect July 1, but some local officials want to tweak them and say they need more time to get ready for what they describe as an expensive change.

A flurry of stormwater bills is working its way through the General Assembly, including some to

delay the new rules for up to a year.

Environmental groups, such as the Chesapeake Bay Foundation, want the new rules to take effect as scheduled.

"We don't think any delay is appropriate," said Peggy Sanner, the foundation's assistant Virginia director and senior attorney.

While other Chesapeake Bay pollutants are declining, such as bacteria from wastewater treatment plants and agricultural runoff, stormwater pollution from urban and suburban areas is increasing, Sanner said.

The foundation released a report on Monday calling for \$50 million in state funds to assist localities with polluted runoff. The report said goals to clean up the bay won't be met until stormwater is better controlled.

The new regulations are designed to decrease runoff and clean it up. Local officials will be responsible for reviewing development plans, issuing stormwater permits for projects, collecting fees and enforcing rules.

It's a big and expensive adjustment, Virginia Beach Deputy City Manager Dave Hansen said. The city is suggesting a six-month delay to get ready and technical tweaks, including allowing projects to move forward under current rules.

Hansen estimated the new regulations will cost the city about \$1.8 million next fiscal year and \$1.5 million if the city's tweaks are incorporated. That includes 12 to 17 new hires.

In Chesapeake, Public Works Director Eric Martin said the city will have to add up to six employees.

The city is also making suggestions to alter the program.

"We think it's a little overly bureaucratic," Martin said. "Basically, they've given us what was a state program with no funding."

For example, the city is requesting that one stormwater permit cover a subdivision rather than have each home get a permit.

Chesapeake has not taken a position on whether the program should be delayed, he said.

A Norfolk spokeswoman said the city is prepared to implement the rules but wouldn't object to a delay.

Sanner said that whatever happens, cleaner water in the future will depend largely on how runoff is controlled:

"The urban, suburban stormwater issues is the next level of difficulty, and Virginia is turning its attention to it."

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# BNA Daily Environment Report

## Perciasepe Says Integrated Planning Could Benefit Climate Adaptation

By Anthony Adragna

Jan. 23 — The Environmental Protection Agency may attempt to develop an integrated planning process for communities trying to adapt to the impacts of climate change, along the lines of a process it developed for water infrastructure, a top agency official said Jan. 23.

Bob Perciasepe, deputy administrator of the EPA, also told the U.S. Conference of Mayors that strengthening the relationship and increasing cooperation between the agency and local, state and tribal communities is a "high priority" for EPA Administrator Gina McCarthy.

"We want to change the way we solve problems together," Perciasepe said. "We think we need to come together on plans as opposed to one-way streeting it. I think it might be time to turn ourselves to the issue of climate change resilience and adaptation."

Perciasepe indicated a willingness to adopt a model for climate change similar to the integrated planning process the EPA has developed for cash-strapped municipalities seeking guidance on how to make decisions on upgrading water infrastructure.

The EPA first issued its framework in June 2012 to help municipalities develop acceptable integrated plans for managing wastewater and stormwater runoff ([114 DEN A-2, 6/14/12](#)).

Perciasepe also emphasized that the mayors will play a major role in developing state implementation plans once the EPA finalizes its new source performance standards on greenhouse gases for existing power plants.

### **White House Meeting**

Separately, a group of the nation's mayors planned to attend a meeting at the White House later Jan. 23 with a "high-level official" to discuss climate change issues, several mayors said.

Climate change was scheduled to be one of four topics for discussion at the meeting, according to Craig Cates, mayor of Key West, Fla.



President Barack Obama was expected to participate in the meeting, but it was not clear if he would participate specifically in the climate change sessions.

At an earlier event at the Center for American Progress, Phoenix Mayor Greg Stanton said, “We don’t have time for a lot of intellectual debates about whether climate change is real.”

Stanton added: “We’ve got to deal with facts on the ground. We have got to deal with reality and adopt smart public policies.”

Also at the Center for American Progress event, San Francisco Mayor Edwin Lee (D) spoke of “unprecedented” engagement on the issue of climate change with the White House and California Gov. Jerry Brown (D).

During a recent meeting of the 10 mayors representing the most populous California cities, Brown focused primarily on climate issues and encouraged the mayors to track new scientific research, according to Lee.

“He didn’t want to talk about anything other than climate change,” Lee said.

### **Water Infrastructure Upgrades**

The San Francisco mayor has been a long-time proponent of upgrading water infrastructure in cities and says doing so creates both jobs and environmental benefits.

Lee said Sen. Barbara Boxer (D-Calif.) has given a “direct plea” to Obama about the importance of upgrading water infrastructure around the country.

Stanton agreed that the White House has been “very, very good” to U.S. mayors and touted efforts to share approaches to addressing the impacts of climate change.

Obama “views us as action players,” Stanton said. “People who actually get stuff done.”

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# **Wilmington News-Journal**

## **Editorial: Focus on making state government more effective**

Much of the attention on Gov. Markell’s 2014 State of the State address will focus on his proposals to spend \$500 million more on roads and bridges and to create a waterway clean-up project. Big money projects and grand ideas always grab the headlines.

But deeper in his address were a series of smaller, but doable ideas that would cost less, but

conceivably could make state government more effective and serve citizens better.

The annual State of the State address gives each governor a chance to outline his or her program for the coming year. Sometimes, when the money is abundant, the ideas are big. At others times, when the money is scarce, the projects are smaller. Revenue for the next budget will be tight.

Our hope is that the governor's proposals really are capable of making state programs more effective now and in the future.

The top headline is the \$500 million transportation proposal. State of the State addresses do not offer funding details, so we do not know how the governor plans to pay for his plan to upgrade roads and bridges. He will deliver his proposed budget next week.

An idea has been circulating in the General Assembly to sponsor a massive public-works program throughout the state. Delaware's economy is hurting and many workers, especially those in construction, need jobs. The idea of improving aging roadways and bridges makes sense. However, it has to be looked on as an investment, not a jobs project. Each project should go through a cost-benefit analysis to make sure it is worth the cost.

Delawareans are likely to pay for these projects through increased tolls and fees and long-term borrowing. As much as we may resent higher costs, we are obligated to pay for what we use. So tolls and fees make sense. However, we must be careful about adding debt for our grandchildren to pay just so we can make use of it today. A rule must be that if the citizens 10 to 15 years from must pay for a project, it should still be paying benefits that far in the future.

That holds true for the proposal to clean up our waterways. As the governor said in his address, it is embarrassing that so many of our waterways are unfit to drink or swim in. This cleanup will take a long time and will be costly. Therefore, the planning and selection must be intelligent and based on the widest possible benefit.

Many of the governor's other proposals would build on programs already in place. For example, he proposes investing in community-based advocates who would work with the young people after they leave state facilities for youth offenders, such as the Ferris School. He noted that many of the graduates of the school come out with an opportunity to turn their lives around. They often need help in getting back into school and making other choices. The idea of the advocates, the governor said, is not to make those decisions for the young people, but to provide guidance. The temptation to fall back into harmful routines is great. Why chance losing what they have gained at Ferris?

The governor also proposed other, smaller program changes that should be explored.

However, all of these proposals must be tested to see if they would work. Their cost also must be weighed during such an analysis. But even when revenues are tight, investing to grow is usually worth the cost.

